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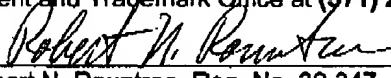
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**SEP 19 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the Application of: **McDonough et al.**Docket Number: **TI-31693**Serial No.: **09/884,585**Art Unit: **2631**Filed: **06/19/2001**Examiner: **J.A. Torres**

For: **SYSTEM AND METHOD FOR SHIFTING THE PHASE OF PSEUDORANDOM NOISE  
 CODE IN DIRECT SEQUENCE SPREAD SPECTRUM COMMUNICATIONS**

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September 19, 2005  
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NAME OF INVENTOR(S): <b>McDonough et al.</b>		RECEIPT DATE & SERIAL NO.: <b>09/884,585</b> FILING DATE: <b>June 19, 2001</b>
TITLE OF INVENTION: <b>SYSTEM AND METHOD FOR SHIFTING THE          PHASE OF PSEUDORANDOM NOISE CODE IN          DIRECT SEQUENCE SPREAD SPECTRUM          COMMUNICATIONS</b>		
TI FILE NO.: <b>TI-31693</b> DEPOSIT ACCT. NO.: <b>20-0688</b>		
DATE FAXED: <b>September 19, 2005</b> DUE: ATTY/SECY: <b>Robert N. Rountree</b>		

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **McDonough et al.**Attorney Docket No.: **TI-31693**Serial No.: **09/884,585**Examiner: **J.A. Torres**Filed: **June 19, 2001**Art Unit: **2631**

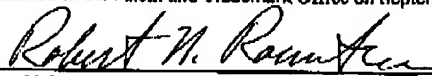
For: **SYSTEM AND METHOD FOR SHIFTING THE PHASE OF PSEUDORANDOM  
NOISE CODE IN DIRECT SEQUENCE SPREAD SPECTRUM COMMUNICATIONS**

## INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)

September 19, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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transmitted to the Patent and Trademark Office on September 19, 2005.



Robert N. Rountree, Reg. No. 39,347

Robert N. Rountree, Attorney for Applicants, contacted Examiner Torres on September 8, 2005, and requested a telephonic interview with Examiner Torres and his supervisor, SPE Mohammed Ghayour. A telephonic interview was scheduled for September 12, 2005. SPE Ghayour was unprepared on September 12, 2005, and asked for additional time to review the case. SPE Ghayour said he would call Rountree on September 14, 2005, at 3:00 PM EST to complete the interview.

Neither SPE Ghayour nor Examiner Torres called on September 15, 2005, as scheduled. Soon after 3:00 PM EST on September 14, 2005, Rountree called SPE Ghayour and left a voice mail requesting a return call. Rountree then called Examiner Torres. Examiner Torres said he would have to locate SPE Ghayour to complete the interview.

On September 16, 2005, Rountree again tried to contact SPE Ghayour and Examiner Torres to no avail. Rountree then tried to contact Group Director Jin F. Ng. Group Director Ng had left for the day. Rountree told the receptionist he was having trouble with SPE Ghayour and Examiner Torres and requested a return call from Group Director Ng.

On September 19, 2005, SPE Ghayour called Rountree to complete the interview. A summary of the two part interview on September 12, 2005 and on September 19, 2005 is given below in the format of form PTOL-413 is given below as required by 37 CFR 1.133(b) when reconsideration is requested.

- (A) Application No.: 09/884,585
- (B) Applicant: McDonough et al.
- (C) Examiner: Juan A. Torres
- (D) Date: September 12, 2005 and September 19, 2005
- (E) Type: Telephonic
- (F) Attorney for Applicant: Robert N. Rountree, Reg. No. 39,347
- (G) No exhibit or demonstration was conducted.
- (H) Claim 1, rejected under 35 U.S.C. § 102(e), was discussed.
- (I) Prior Art: Storm et al. (U.S. Pat. No. 6,175,561).
- (J) No agreement was reached.
- (K) SPE Mohammad Ghayour was present.

On September 12, 2005, Rountree asked SPE Ghayour to identify where Storm et al. disclosed "selecting a plurality of phase-shifting masks in response to a first time interval" as required by claim 1. SPE Ghayour identified Figure 2 and recited col. 6, lines 53-60. Rountree explained that this reference discloses that "The masks correspond to individual phases of the phase space of the pilot signals in the communication system 100 (FIG. 1)." (col. 6, lines 58-60). Thus, each mask corresponds to an individual time. There is no disclosure of "selecting a plurality of ~~phase-shifting masks in response to a first time interval~~" as required by claim 1. Neither SPE

Ghayour nor Examiner Torres was able to identify this limitation in the disclosure of Storm et al. SPE Ghayour asked for more time to review the case.

The interview resumed at 11:00 AM EST on September 19, 2005. SPE Ghayour stated that he had reviewed the case with Examiner Torres and another SPE and that the rejection stands. Rountree again asked SPE Ghayour to identify where Storm et al. disclosed "selecting a plurality of phase-shifting masks in response to a first time interval" as required by claim 1. SPE Ghayour again identified Figure 2 and recited col. 6, lines 53-60. SPE Ghayour stated that "a plurality of phase-shifting masks" was disclosed by masks 212 of Figure 2 but could not explain how any two of them were selected "in response to a first time interval." Rountree again explained that Storm et al. disclose that "The masks correspond to individual phases of the phase space of the pilot signals in the communication system 100 (FIG. 1)." (col. 6, lines 58-60). Thus, each mask corresponds to an individual time. There is no disclosure of "selecting a plurality of phase-shifting masks in response to a first time interval" as required by claim 1. Neither SPE Ghayour nor Examiner Torres was able to identify this limitation in the disclosure of Storm et al. even after one week to review the case.

SPE Ghayour stated that claim 1 did not recite that the plurality of masks must be selected at the same time. Rountree told SPE Ghayour that whether the masks were selected sequentially or all at one time was irrelevant. The issue was that Storm et al. do not disclose "selecting a plurality of phase-shifting masks in response to a first time interval" as required by claim 1. SPE Ghayour stated that I could not convince him and he could not convince me, so the Board would have to decide.

Respectfully submitted,



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